

Remarks

The specification is amended to add a paragraph reciting related applications and to conform with the requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures. Specifically, SEQ ID NO: identifiers are associated with particular sequences disclosed in the specification. In addition, minor typographical corrections are made to correct obvious misspellings and errors in capitalization and punctuation. The changes other than the related application information are the same changes made in the parent patent application. No new matter is introduced.

Claims 1-23 have been canceled. New claims 24-30 have been added. Support is found throughout the specification and claims as filed.

Support, for example, relating to a method of modulating an immune response is found, for example, at: page 14 lines 12-17 as well as original claim 19.

Support for a subject is found on page 8 line 15.

Support for polynucleotide composition comprising the sequence 5' CG 3' and 5'PuPuCGPyC3, with Py includes T and U, is found, for example, at: page 11 lines 3-9 and in numerous sequences provided throughout the specification.

Support for wherein the polynucleotide is administered by biolistic delivery is found on page 8 lines 28-29.

Support for the polynucleotide is 7 nucleotides in length is found on page 11 line 29 – page 12 line 2.

Support for the composition further comprising an antigen is found on page 5 lines 15-17.

Support for the polynucleotide is 5-40 nucleotides in length is found on page 10 lines 18-21.

Applicants wish to bring to the attention of the examiner that the disclosure on which the added claims are based was filed on January 23, 1998 as PCT Patent Application No. PCT/EP98/00367, published in English as WO 98/32462 on July 30, 1998, which in turn claims priority to EP Patent Application No. EP 97101019.4, filed January 23, 1997. The published PCT application should be a statutory bar to the patentability of at least some of the claims of

U.S. published patent application US 2003/0059773 A1, but not to the patentability of the claims of this application. The present claims are filed to meet the requirements of presenting claims of patentably interfering scope within one year of publication of claims in US Patent Application, in this case U.S. published patent application US 2003/0059773 A1.

Respectfully submitted,



---

Helen C. Lockhart, Reg. No. 48,207  
WOLF, GREENFIELD & SACKS, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, Massachusetts 02210  
Tel.: (617) 720-3500

Docket No.: C1041.70005US01

Date: March 26, 2004